

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLENE HILL,

Plaintiff,

v.

19-CV-1725
ORDER

STATE UNIVERSITY OF NEW YORK
AT BUFFALO,

Defendant.

Plaintiff Charlene Hill has submitted to this Court a complaint alleging harassment and discrimination based on color and race. Dkt. 1; *see also* Dkt. 4. Plaintiff Hill also filed a motion to proceed *in forma pauperis* and supporting affirmation. Dkt. 2.

Due to the intervening Covid-19 pandemic and the demands of the Court's criminal docket, the motion remained pending. On January 13, 2023, the Court issued a Text Order requiring Plaintiff Hill to file an updated motion and supporting affidavit. Dkt. 8. Plaintiff timely complied. Dkt. 9. The updated affirmation supporting the motion to proceed *in forma pauperis* has been reviewed by the Court in accordance with the requirements of 28 U.S.C. § 1915(a)(1), and the complaint has been reviewed with respect to the criteria of 28 U.S.C. § 1915(e)(2).

The Court finds that Plaintiff has failed to meet the statutory requirements for *in forma pauperis* status; permission to proceed *in forma pauperis* is therefore denied.

Plaintiff's annual income of more than \$44,000.00¹ is well above the federal poverty threshold, which had long been considered relevant to any analysis undertaken pursuant to 28 U.S.C. § 1915(a)(1). *See, e.g., Boka v. Whalen*, 2016 U.S. App. LEXIS 23889. In 2023, the U.S. Department of Health and Human Services set the poverty level for single-person families at an annual income of \$14,580.00. Annual Update of the HHS Poverty Guidelines, 88 Fed. Reg. 3424 (Jan. 19, 2023), <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

Accordingly, Plaintiff has until **October 19, 2023** to pay the filing and administrative fees totaling \$400.00. In the event that Plaintiff does not pay the fees or otherwise seek relief from the Order by **October 19, 2023**, the Clerk of the Court is directed, without further order of the Court, to close this case as dismissed without prejudice.

SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 12, 2023

¹ Comprised of her annual salary and quarterly dividends.